D.B.HABEAS CORPUS PETITION NO. 1709/2006

DATE OF ORDER:27.04.2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK MOHTA

Mr.Pushpendra Singh for the petitioner
Mr.S.K.Vyas, Government Advocate
Mr.Vijay Bishnoi for respondent No.4

BY THE COURT(PER HON'BLE MR.MATHUR J.)

The instant petition has been filed by Smt.Tulsi Devi widow of late Shri Megha Ram aged 45 years, resident of Village Badsa, Tehsil, Marwar Junction, District, Pali seeking direction for production of her daughter namely Kumari Dariya. It is alleged that the 4th respondent Bheema Ram, who is her step son with a view to grab the agricultural land had abducted her daughter in the month of February, 2006.

A reply to the writ petition has been filed by the 4th respondent. It is alleged that petitioner Mst.Tulsi Devi is the second wife by way of Nata marriage of his deceased father late Shri Megha Ram. After death of his father the petitioner Tulsi Devi started living with one Mehboob Khan. In view of the conduct of the petitioner, the Gram Panchayat adopted a resolution dated 7.12.2005 to admit Kumari Dariya in

Aashwashan Bal Gram Sanstha, Alawas. A copy of the resolution has been placed on record as Annexure-R4/1. It is also stated that the said Ashram is run by Shanidham Trust, New Delhi.

Pursuant to the order of this Court, Kumari Dariya has been produced before us. She has anguish against her mother. She has no complaint against her step brother the 4th respondent Bheema Ram. She wants to continue to stay in the Gurukul. Considering all the facts and circumstances of the case, we consider that it is in the interest of Kumari Dariya that she is allowed to continue to stay in Aashwashan Bal Gram Sanstha, Alawas. The habeas corpus petition stands dismissed. It is made clear that any observation made in this order will have no reflection in any sort of proceedings between the parties at any stage.

(MANAK MOHTA) J. **(N.N.MATHUR) J.**

BKS/-